

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

DAKOTA L. HOWELL,

Petitioner,

: Case No. 3:21-cv-083

- vs -

District Judge Michael J. Newman
Magistrate Judge Michael R. Merz

NORMAN ROBINSON WARDEN,
London Correctional Institution,

:

Respondent.

DECISION AND ORDER

This case is before the Court on Petitioner's Motion to Obtain Ruling (ECF No. 32). Petitioner seeks a copy of the final judgment in the case. Moreover, since he claims he was never previously served with the document, he demands that it be "backdated" to allow him to appeal.

On March 2, 2022, District Judge Newman filed an Order and Entry (ECF No. 30) overruling Petitioner's Objections to the Report and Recommendations and Supplemental Report and Recommendations which recommended dismissal of the Petition with prejudice, denial of a certificate of appealability and denial of the privilege of appealing *in forma pauperis* (ECF Nos. 21 & 26). The Clerk thereupon entered judgment embodying Judge Newman's dismissal (ECF No. 31). The docket entries for both the Order and Entry and for the Judgment contain notations by the docket clerk that the document was sent to Petitioner "by regular mail." Neither piece of mail has been returned by the Postal Service as undeliverable.

Thus the Clerk properly gave notice of the Court's decision in the same manner as he gave

Petitioner notice of all interlocutory decisions in the case and the same manner notice is given to all litigants who do not have access to the electronic filing system. A litigant's uncorroborated and unsworn claim of non-receipt is insufficient to overcome the presumption of regularity with respect to the mail.

Accordingly, the Clerk is directed to send Petitioner an additional copy of the Order and Entry and of the Judgment. However, the Petitioner's demand that they be "backdated" (i.e. re-entered so as to be dated as of today) is DENIED.

September 22, 2022.

s/ Michael R. Merz
United States Magistrate Judge